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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/068,253 | 06/09/1998 | TAKESADA SHIMURA | 146.1286 | 2129 |
| 20311 75 | 90 11/26/2003 | | EXAM | INER |
| | I AND LUCAS AND N | MOHAMED, ABDEL A | | |
| 475 PARK AVENUE SOUTH NEW YORK, NY 10016 | | | ART UNIT | PAPER NUMBER |
| 11211 101111, | 10010 | | 1653 | |

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| PERIOD FOR REPLY [check either a) or b) The period for reply expires 6 months from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension see have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or 2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if immely filed, may reduce any aremap stent term adjustment. See 37 CFR 1.73(b). 1. A Notice of Appeal was filed on 20 October 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.191(a), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. Applicant's reply has overcome the following rejection(s): The rejection under 35 U.S.C. 112, second paragraph. 4. Newly proposed or amended claim(s) will not be entered because: See Continuatio | · · | | | |
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| Examin r Abdal A. Mohamed Art Unit Abdal A. Mohamed Art Unit Abdal A. Mohamed Art Unit Abdal A. Mohamed Art Unit Abdal A. Mohame | | Application No. | Applicant(s) | |
| Examin r Act Unit Abde A Mohamed 1653 | Advisory Action | 09/068,253 | SHIMURA ET AL. | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondenc address — THE REPLY FILEO 01 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Herefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a inal rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compilance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] a) The period for reply expires 6 months from the mailing date of the final rejection. The period for reply expires or (1) the mailing date of the final rejection. The period for reply expires or (1) the mailing date of the final rejection. The period for reply expires or (1) the mailing date of the final rejection. The period for reply expires or (1) the mailing date of the final rejection. The period for reply expires or (1) the mailing date of the final rejection. The period for reply expires or (1) the mailing date of the final rejection. The period for reply expires or (1) the mailing date of the final rejection. The period for reply expires or (1) the replace of the final rejection. The period for reply dependent under 37 CFR 1.136 (a) and the appropriate extension or expending amount of the final rejection. The period of expension and the corresponding amount of the final rejection. The period of expension and the corresponding amount of the final rejection, even if intelligent in the final rejection, even if intelligent in the final rejection of the final rejection of the final rejection and | | | Art Unit | |
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| Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b) The period for reply expires £ months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. NEX OFFICEX THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TOW MONTHS GFT HE FINAL REJECTION. So MPEP 705.07(1). Extension of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension the under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a). Calculated from: (1) the extension and the convergending amount of the fee. The appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate extension en under 37 CFR 1.136(a) and the appropriate | The MAILING DATE of this communication appe | ars on the cover sheet with the o | correspondenc add | iress |
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Continuation of 5, does NOT place the application in condition for allowance because: The objection under 35 U.S.C. 132 as introducing new matter in the disclosure and the rejection of claims 2-5, 8-9 and 14-15 under 35 U.S.C. 112, first paragraph as containing new matter are maintained for the same reasons discussed in the previous Office action (Paper No. 40, mailed 4/21/03). Applicant's arguments that the use of the term "polyoxyethylene-polyoxypropylene" as currently used in the specification is proper and chemically correct. The propylene glycol used for the production of the polyoxyethylene-polyoxypropylene glycol is proper terminology and is clearly supported by the specification as filed. Thus, the specification now defines the polyoxyethylene-polyoxypropylene glycol in a proper manner. Therefore, the claims do comply with 35 U.S.C. 112, first paragraph is unpersuasive. Contrary to Applicant's arguments, Applicant has not shown where such subject matter has support from the original disclosure; except by stating that "The propylene glycol used for the production of the polyoxyethylene-polyoxypropylene glycol is proper terminology and is clearly supported by he specification as filed". Thus, absent of showing support in the originally filed disclosure for "polyoxyethylene-polyoxypropylene" as currently amended in the specification and claims; deletion of "glycol" would broaden the classes of polyoxyethylene-polyoxypropylene or polypropylene because the originally filed disclosure is narrower in scope since they disclose explicitly specific classes of polyoxyethylene-polyoxypropylene or propylene having glycol. Therefore, the objection of the specification and the rejection of the claims as introducing new matter are maintained for the same reasons discussed in the previous Office action. It is noted that Applicant has provided a clean copy of the amendment of the claims. However, on page 2 of the amediment filed on 10/1/03, claim 5 appears to be incomplete by stating "The cartilage and bone morphogenic repairing composition as in claim". Thus, the claim ends without full stop and the sentence appears to be incomplete. Appropriate correction is required.